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State/Territory Name: Michigan

State Plan Amendment (SPA)#: 21-0006

This file contains the following documents in the order listed

- 1) Approval Letter
- 2) CMS 179
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DEPARTMENT OF HEALTH & HUMAN SERVICES Centers for Medicare & Medicaid Services 7500 Security Boulevard, Mail Stop S2-26-12 Baltimore, Maryland 21244-1850



June 25, 2021

Ms. Kate Massey Medicaid Director Medical Services Administration 400 S Pine St 7th Fl Lansing, MI 48933-2250

Re: Michigan State Plan Amendment (SPA) 21-0006

Dear Ms. Massey:

We have reviewed the proposed amendment to add section 7.4 Medicaid Disaster Relief for the COVID-19 National Emergency to your Medicaid state plan, as submitted under transmittal number (TN) MI 21-0006. This amendment proposes to implement temporary policies, which are different from those policies and procedures otherwise applied under your Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof).

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences of the COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of January 1, 2021. The emergency period will terminate, and this state plan provision will no longer be in effect, upon termination of the public health emergency, including any extensions.

The State of Michigan has requested a waiver of public notice requirements applicable to the SPA submission process. Pursuant to section 1135(b)(1)(C) of the Act, CMS is waiving public notice requirements applicable to the SPA submission process. Public notice for SPAs is required under 42 C.F.R. §447.205 for changes in statewide methods and standards for setting

Medicaid payment rates, 42 C.F.R. §447.57 for changes to premiums and cost sharing, and 42 C.F.R. §440.386 for changes to Alternative Benefit Plans (ABPs). Pursuant to section 1135(b)(5) of the Act, CMS is approving the state's request to modify these notice requirements otherwise applicable to SPA submissions.

The State of Michigan also requested a waiver to modify the tribal consultation timeline applicable to this SPA submission process. Pursuant to section 1135(b)(5) of the Act, CMS is also allowing states to modify the timeframes associated with tribal consultation required under section 1902(a)(73) of the Act, including shortening the number of days before submission or conducting consultation after submission of the SPA.

These modifications of the requirements related to public notice and tribal consultation apply only with respect to SPAs that meet the following criteria: (1) the SPA provides or increases beneficiary access to items and services related to COVID-19 (such as by waiving or eliminating cost sharing, increasing payment rates or amending ABPs to add services or providers); (2) the SPA does not restrict or limit payment or services or otherwise burden beneficiaries and providers; and (3) the SPA is temporary, with a specified sunset date that is not later than the last day of the declared COVID-19 public health emergency (or any extension thereof). We nonetheless encourage states to make all relevant information about the SPA available to the public so they are aware of the changes.

We conducted our review of your submittal according to the statutory requirements at section 1902(a) of the Act and implementing regulations. This letter is to inform you that Michigan's Medicaid SPA Transmittal Number 21-0006 is approved effective March 1, 2021. This SPA is in addition to the Disaster Relief SPAs MI 20-0005 approved on June 05, 2020, the two SPAs MI 20-0009 and MI 20-0010 approved on November 19, 2020, the SPA MI 20-0012 approved on December 14, 2020, the SPA MI 20-0013 approved on March 19, 2021, SPA MI 21-0001 approved on May 12, 2021 and SPA MI 21-0002 approved on May 12, 2021 and does not supersede anything approved in those SPAs.

Enclosed is a copy of the CMS-179 summary form and the approved state plan pages.

Please contact Keri Toback at 312 353 1754 or by email at keri.toback@cms.hhs.gov if you have any questions about this approval. We appreciate the efforts of you and your staff in responding to the needs of the residents of the State of Michigan and the health care community.

Sincerely,

Alissa Mooney DeBoy On Behalf of Anne Marie Costello, Acting Director Center for Medicaid & CHIP Services

Enclosures

FORM APPROVED OMB NO. 0938-0193

	1. TRANSMITTAL NUMBER:	2. STATE:	
TRANSMITTAL AND NOTICE OF APPROVAL O	F 21 0006	Michigan	
STATE PLAN MATERIAL		21 - 0006 Michigan 3. PROGRAM IDENTIFICATION: TITLE XIX OF THE SOCIAL	
FOR: HEALTH CARE FINANCING ADMINISTRATION	SECURITY ACT (MEDICAID)	OF THE GOOME	
	TITLE XIX OF THE SOCIAL SECURITY A	ACT (MEDICAID)	
TO: REGIONAL ADMINISTRATOR	4. PROPOSED EFFECTIVE DATE		
HEALTH FINANCING ADMINISTRATION	March 1, 2021		
DEPARTMENT OF HUMAN SERVICES 5. TYPE OF PLAN MATERIAL (Check One):			
o. THE OF FERNANCE (ORGON GRO).			
		AMENDMENT	
COMPLETE BLOCKS 6 THRU 10 IF THIS IS AN A	MENDMENT (Separate Transmittal for each amen	dment)	
6. FEDERAL STATUTE/REGULATION CITATION:	7. FEDERAL BUDGET IMPACT:		
Sections 201 and 301 of the National Emergencies Act (50	a. FFY 2021 \$82,900,000 b. FFY 2022 \$0		
U.S.C.1601 et seq.) Section 1135 of the Social Security Act	β. 11 1 2022 ψ0		
Section 1133 of the Social Security Act			
8. PAGE NUMBER OF THE PLAN SECTION OR ATTACHMENT:	9. PAGE NUMBER OF THE SUPERSEDED F	PLAN SECTION	
Section 7.4 Medicaid Disaster Relief for the COVID-19	OR ATTACHMENT (If Applicable):		
National Emergency			
10. SUBJECT OF AMENDMENT:			
This SPA provides authority to address the National Emerger			
specified providers for in-person care and modifying the time	frame for accepting long term care facility anno	ual cost reports.	
11. GOVERNOR'S REVIEW (Check One):			
GOVERNOR'S OFFICE REPORTED NO COMMENT			
Madical Constant Administration		n	
■ NO REPLY RECEIVED WITHIN 45 DAYS OF SUBMITT	AL Wedical Cervices / tarrimistration		
12. SIGNATUE OF STATE AGENCY OFFICIAL:	16. RETURN TO:		
(.///\			
1.5 TYPED NAME:	Medical Services Administration		
Kale Massey	Actuarial Division - Federal Liaison Capitol Commons Center - 7 th Floor		
4.4	400 South Pine		
	Lansing, Michigan 48933		
15. DATE SUBMITTED:	3,		
	Attn: Erin Black		
FOR REGIONAL OFFICE USE ONLY			
17 DATE DECENTED:	40 DATE ADDDOVED.		
03/31/2021	18 DATE APPROVED: 06/25/2021		
PLAN APPROVED – ONE COPY ATTACHED			
	20. SIGNATURE OF REGIONAL OFFICIAL:		
03/01/2021			
	22. TITLE: Acting Director		
	Center for Medicaid & CHIP	Sarvicas	
On Behalf of Anne Marie Costello 23. REMARKS:	Center for Medicald & Chip	OCI VICES	
Zo. REWARKO.			

State	/Territory	/ :	Michig	an
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Section 7 – General Provisions 7.4. Medicaid Disaster Relief for the COVID-19 National Emergency

On March 13, 2020, the President of the United States issued a proclamation that the COVID-19 outbreak in the United States constitutes a national emergency by the authorities vested in him by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.), and consistent with section 1135 of the Social Security Act (Act). On March 13, 2020, pursuant to section 1135(b) of the Act, the Secretary of the United States Department of Health and Human Services invoked his authority to waive or modify certain requirements of titles XVIII, XIX, and XXI of the Act as a result of the consequences COVID-19 pandemic, to the extent necessary, as determined by the Centers for Medicare & Medicaid Services (CMS), to ensure that sufficient health care items and services are available to meet the needs of individuals enrolled in the respective programs and to ensure that health care providers that furnish such items and services in good faith, but are unable to comply with one or more of such requirements as a result of the COVID-19 pandemic, may be reimbursed for such items and services and exempted from sanctions for such noncompliance, absent any determination of fraud or abuse. This authority took effect as of 6PM Eastern Standard Time on March 15, 2020, with a retroactive effective date of March 1, 2020. The emergency period will terminate, and waivers will no longer be available, upon termination of the public health emergency, including any extensions.

The State Medicaid agency (agency) seeks to implement the policies and procedures described below, which are different than the policies and procedures otherwise applied under the Medicaid state plan, during the period of the Presidential and Secretarial emergency declarations related to the COVID-19 outbreak (or any renewals thereof), or for any shorter period described below:

The Direct Care Workers Payments will be effective on March 1, 2021 and will end on September 30, 2021, or until the end of the PHE, whichever comes first.

Michigan reserves the right to terminate any of the emergency provisions in this amendment prior to the end of the emergency period through submission of an updated disaster relief SPA to CMS. Michigan Medicaid policy will provide detail on which requirements are amended.

NOTE: States may not elect a period longer than the Presidential or Secretarial emergency declaration (or any renewal thereof). States may not propose changes on this template that restrict or limit payment, services, or eligibility, or otherwise burden beneficiaries and providers.

Request for Waivers under Section 1135

<u>X</u> _	_ The age	ncy seeks the following under see	ction 1135(b)(1)(C) and/or section 1135(b)(5) of the Act:
	a.		ents – the agency requests modification of the by March 31, 2020, to obtain a SPA effective date during 20, pursuant to 42 CFR 430.20.
TN:_	21-0006		Approval Date: <u>06/25/2021</u>
Supe	rsedes TN:	NEW	Effective Date: 03/01/2021

State/Territory:Michigan			
	b.	X Public notice requirements – the agency requests waiver of public notice requirements that would otherwise be applicable to this SPA submission. These requirements may include those specified in 42 CFR 440.386 (Alternative Benefit Plans), 42 CFR 447.57(c) (premiums and cost sharing), and 42 CFR 447.205 (public notice of changes in statewide methods and standards for setting payment rates).	
	c.	<u>X</u> Tribal consultation requirements – the agency requests modification of tribal consultation timelines specified in [insert name of state] Medicaid state plan, as described below:	
		Michigan plans to conduct Tribal consultation after the State Plan Amendment submission to CMS. The State will send a written notice soon after submission of the SPA.	
Section A	– Elig	ibility	
de	scrib tiona	e agency furnishes medical assistance to the following optional groups of individuals ed in section 1902(a)(10)(A)(ii) or 1902(a)(10)(c) of the Act. This may include the new I group described at section 1902(a)(10)(A)(ii)(XXIII) and 1902(ss) of the Act providing ge for uninsured individuals.	
Inc	clude	name of the optional eligibility group and applicable income and resource standard.	
2. <u> </u>		The agency furnishes medical assistance to the following populations of individuals ed in section 1902(a)(10)(A)(ii)(XX) of the Act and 42 CFR 435.218:	
	a.	All individuals who are described in section 1905(a)(10)(A)(ii)(XX)	
		Income standard:	
		-or-	
	b.	Individuals described in the following categorical populations in section 1905(a) of the Act:	
	L	Income standard:	
		he agency applies less restrictive financial methodologies to individuals excepted from I methodologies based on modified adjusted gross income (MAGI) as follows.	
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		NEW Effective Date: 03/01/2021	

State/	erritory:iviicnigan	
	Less restrictive income methodologies:	
	Less restrictive resource methodologies:	
4.	for medical reasons related to the disaster or pr	olic health emergency and who intend to return
5.	The agency provides Medicaid coverage who are non-residents:	to the following individuals living in the state,
6.	citizens declaring to be in a satisfactory immigration faith effort to resolve any inconsistences or obt	ain any necessary documentation, or the agency vithin the 90-day reasonable opportunity period
Sectio	n B – Enrollment	
1.	The agency elects to allow hospitals to me the following additional state plan populations, demonstration, in accordance with section 190 provided that the agency has determined that the determinations.	2(a)(47)(B) of the Act and 42 CFR 435.1110,
	Please describe the applicable eligibility groups, limitations, performance standards or other fac	
	21-0006 edes TN: NEW	Approval Date: <u>06/25/2021</u> Effective Date: 03/01/2021

State/1	Territory: Michigan
2.	The agency designates itself as a qualified entity for purposes of making presumptive eligibility determinations described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L.
	Please describe any limitations related to the populations included or the number of allowable PE periods.
3.	The agency designates the following entities as qualified entities for purposes of making presumptive eligibility determinations or adds additional populations as described below in accordance with sections 1920, 1920A, 1920B, and 1920C of the Act and 42 CFR Part 435 Subpart L. Indicate if any designated entities are permitted to make presumptive eligibility determinations only for specified populations.
	Please describe the designated entities or additional populations and any limitations related to the specified populations or number of allowable PE periods.
4.	The agency adopts a total of months (not to exceed 12 months) continuous eligibility for children under age enter age (not to exceed age 19) regardless of changes in circumstances in accordance with section 1902(e)(12) of the Act and 42 CFR 435.926.
5.	The agency conducts redeterminations of eligibility for individuals excepted from MAGI-based financial methodologies under 42 CFR 435.603(j) once every months (not to exceed 12 months) in accordance with 42 CFR 435.916(b).
6.	The agency uses the following simplified application(s) to support enrollment in affected areas or for affected individuals (a copy of the simplified application(s) has been submitted to CMS).
	aThe agency uses a simplified paper application.
	bThe agency uses a simplified online application.
	c The simplified paper or online application is made available for use in call-centers or other telephone applications in affected areas.
Section	n C – Premiums and Cost Sharing
1.	The agency suspends deductibles, copayments, coinsurance, and other cost sharing charges as follows:
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2.	The agency suspends enrollment fees, premiums and similar charges for:
	aAll beneficiaries
	bThe following eligibility groups or categorical populations:
	Please list the applicable eligibility groups or populations.
3.	The agency allows waiver of payment of the enrollment fee, premiums and similar charges for undue hardship.
	Please specify the standard(s) and/or criteria that the state will use to determine undue hardship.
Sectio <i>Benefit</i>	n D – Benefits
	The agency adds the following optional benefits in its state plan (include service descriptions, provider qualifications, and limitations on amount, duration or scope of the benefit):
2.	The agency makes the following adjustments to benefits currently covered in the state plan:
3.	The agency assures that newly added benefits or adjustments to benefits comply with all applicable statutory requirements, including the statewideness requirements found at 1902(a)(1), comparability requirements found at 1902(a)(10)(B), and free choice of provider requirements found at 1902(a)(23).
4.	Application to Alternative Benefit Plans (ABP). The state adheres to all ABP provisions in 42 CFR Part 440, Subpart C. This section only applies to states that have an approved ABP(s).
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State/	Territory:Michigan
	a The agency assures that these newly added and/or adjusted benefits will be made available to individuals receiving services under ABPs.
	 b Individuals receiving services under ABPs will not receive these newly added and/or adjusted benefits, or will only receive the following subset:
	Please describe.
Telehe	alth:
5.	The agency utilizes telehealth in the following manner, which may be different than outlined in the state's approved state plan:
Drug B	enefit:
6.	The agency makes the following adjustments to the day supply or quantity limit for covered outpatient drugs. The agency should only make this modification if its current state plan pages have limits on the amount of medication dispensed.
7.	Prior authorization for medications is expanded by automatic renewal without clinical review, or time/quantity extensions.
8.	The agency makes the following payment adjustment to the professional dispensing fee when additional costs are incurred by the providers for delivery. States will need to supply documentation to justify the additional fees.
	Please describe the manner in which professional dispensing fees are adjusted.
9.	The agency makes exceptions to their published Preferred Drug List if drug shortages occur. This would include options for covering a brand name drug product that is a multi-source drug if a generic drug option is not available.

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Effective Date: <u>03/01/2021</u>

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Section E – Pay	yments
Optional benej	fits described in Section D:
1	Newly added benefits described in Section D are paid using the following methodology:
a.	Published fee schedules –
	Effective date (enter date of change):
	Location (list published location):
b.	Other:
	Describe methodology here.
Increases to st	ate plan payment methodologies:
2. <u>X</u>	The agency increases payment rates for the following services:
Person technic compe	list all that apply. In all care services, supportive employment services, behavioral health treatment behavior In all care services, and services provided by registered nurses, licensed practical nurses, Itency-evaluated nursing assistants, and respiratory therapists employed by Medicaider In all nursing facilities.
a.	Payment increases are targeted based on the following criteria:
	Please describe criteria.
b.	Payments are increased through: i. \underline{X} A supplemental payment or add-on within applicable upper payment limits:
	Please describe. Personal Care Services: Effective March 1, 2021, a supplemental payment of \$2.25 per hour will be paid to self-employed providers of personal care services, supportive employment services, and behavioral health treatment behavior technician services for in-
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	person care and a supplemental payment of \$2.52 per hour will be paid for agency employed providers of these services.
	Also, effective March 1, 2021, a supplemental payment of \$2.25 per hour will be paid for in-person care provided by registered nurses, licensed practical nurses, competency-evaluated nursing assistants, and respiratory therapists employed by Medicaid-certified nursing facilities, as well as for in-person direct care services provided in Adult Foster Care Homes and Homes for the Aged serving Medicaid beneficiaries. The supplemental payment for these providers will also include any associated share of employer Federal Insurance Contributions Act (FICA) payroll taxes.
	Except as otherwise noted in the state plan, Michigan's Medicaid payment rates are uniform for both private and governmental providers. Reimbursement is made in accordance with Medicaid's fee screens or the usual and customary charge for these services, whichever amount is less. All rates are published at www.michigan.gov/medicaidproviders .
ii.	An increase to rates as described below.
	Rates are increased:
	Uniformly by the following percentage:
	Through a modification to published fee schedules –
	Effective date (enter date of change):
	Location (list published location):
	Up to the Medicare payments for equivalent services.
	By the following factors:
	Please describe.
Payment for services de	elivered via telehealth:
	duration of the emergency, the state authorizes payments for telehealth services
a A	re not otherwise paid under the Medicaid state plan;
b D TN:21-0006	iffer from payments for the same services when provided face to face; Approval Date: 06/25/2021

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NEW

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c Differ from current state plan provisions go telehealth;	overning reimbursement for
d Include payment for ancillary costs associat services via telehealth, (if applicable), as follows:	
i Ancillary cost associated with the or incorporated into fee-for-service rates.	iginatingsite for telehealthis
ii Ancillary cost associated with the or separately reimbursed as an administrat Medicaid service is delivered.	
Other:	
4 Other payment changes:	
Please describe.	
Section F – Post-Eligibility Treatment of Income	
1 The state elects to modify the basic personal needs individuals. The basic personal needs allowance is equal	
a The individual's total income	
b 300 percent of the SSI federal benefit rate	
c Other reasonable amount:	
2 The state elects a new variance to the basic persona of this option is not dependent on a state electing the opt above.)	
The state protects amounts exceeding the basic personal ne have the following greater personal needs:	eeds allowance for individuals who
Please describe the group or groups of individuals with great protected for each group or groups.	ter needs and the amount(s)
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Long Term Care Facilities Cost Reporting:

For cost reporting periods ending between September 30, 2020 and the end of the PHE, Michigan will accept the annual cost reports up to a period of 12 months following the nursing facility's cost reporting period end date.

PRA Disclosure Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-1148 (Expires 03/31/2021). The time required to complete this information collection is estimated to average 1 to 2 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. Your response is required to receive a waiver under Section 1135 of the Social Security Act. All responses are public and will be made available on the CMS web site. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850. ***CMS Disclosure*** Please do not send applications, claims, payments, medical records or any documents containing sensitive information to the PRA Reports Clearance Office. Please note that any correspondence not pertaining to the information collection burden approved under the associated OMB control number listed on this form will not be reviewed, forwarded, or retained. If you have questions or concerns regarding where to submit your documents, please contact the Centers for Medicaid & CHIP Services at 410-786-3870.

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